IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 3649 of 2005(H)

PETITIONER:

S.SHEROSE, SHEROSE MANZIL, T.K.M.COLLEGE P.O. KARICODE, KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT AUTHORITY, KOLLAM, REP. BY ITS SECRETARY.**

2. **THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, KOLLAM.**

3. **THE KERALA STATE ROAD TRANSPORT CORPORATION, REP. BY THE DISTRICT TRANSPORT OFFICER, KOLLAM.**

4. **THE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM.**

BY ADV. SRI.T.RAVIKUMAR, SC, KSRTC
SRI.JOHNSON P. JOHN
GOVERNMENT PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.3649/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT IN M.V.A.A NO.220/92 DT.26/3/1992.

.EXT.P2:- COPY OF THE PERMIT ALONG WITH THE ENDORSEMENT DT.7.4.02.

EXT.P3:- COPY OF THE PROCEEDING OF THE MEETING HELD ON 8.8.02 AT KOLLAM.

EXT.P4:- COPY OF THE SKETCH SHOWING THE ROUTE KOLLAM- VILAKUPPARAM

.EXT.P5:- COPY OF THE JUDGMENT IN M.V.A.A NO.538/02 D.T.30.7.04.

.EXT.P6:- COPY OF THE THIRUVANANTHAPURAM – KOLLAM, KOTTARAKKARA-THIRUVANANTHAPURAM CIRCULAR SCHEME .

EXT.P7:- COPY OF THE KOLLAM – KUMBALAM CIRCULAR SCHEME.

EXT.P8:- COPY OF THE THIRUVANANTHAPURAM KOTTAYAM VIA, RANNI CIRCULAR SCHEME.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 3649 OF 2005-H

JUDGMENT

The petitioner was having a regular permit on the route Kollam – Vilakkupara. He applied for renewal of that permit. The said application was rejected by the R.T.A., Kollam, by Ext.P3 decision dated 8.8.2002. It was found that the petitioner's route touches various intermediate points on different nationalised routes. The points touched are Kollam K.S.R.T.C. Junction, Kundara Mukkada, Ayoor and Anchal. The petitioner appealed. The appeal was dismissed by the S.T.A.T., by Ext.P5 judgment. It was held that the route touches the intermediate points Kollam, Kundara and Ayoor in the Thiruvananthapuram -Thiruvananthapuram circular scheme. This Writ Petition was filed, challenging Exts.P3 and P5. According to the petitioner, in Kollam the route touches only at Andamukkom. In Kundara it touches only at Hospital Junction. Therefore, the route does not objectionably overlap the nationalised routes.

2. Even if the route touches only at Kollam Andamukkom, it should be treated that the route is touching Kollam for the purpose of the scheme. Similarly, even if Kundara is touched only at the Hospital Junction, still, it

will be an objectionable touching of the intermediate point Kundara. Therefore, the contentions raised by the petitioner cannot be accepted. The petitioner's application for renewal has been rightly rejected for objectionable overlapping, by the R.T.A as well as the S.T.A.T. Accordingly, the Writ Petition is dismissed.

10th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/